

April 25, 2011

Dear Democratic Colleague:

As you are aware, the subcommittee chairs of the Appropriations Committee have begun to issue guidance to Members about how they wish to receive programmatic priorities for the FY12 subcommittee bills. The Majority has previously announced a ban on all earmarks this year, and the Appropriations Committee database is set up to only take non earmark requests from Members.

As a reminder, the standing rules of the House regarding earmarks were not changed by the new Majority this year and Members should be aware that all House rules still apply. Members are still responsible for filing a “financial interest” disclosure form if an earmark is requested (even if the request is informal). The requirement is found in House Rule 23, clause 17 and is **enforced by the Ethics Committee.**

Because of this, I urge Members to use an abundance of caution when formulating their priorities for submission. When communicating requests to the Committee please make sure your requests will not inadvertently trigger the earmark rules and requirements. The Minority staff is available to help Members and their staffs clarify whether or not a request is an earmark, but in general anything previously disclosed in an earmark disclosure table (“Congressionally Directed Spending” table at the end of a prior year appropriation bill) will continue to be treated as an earmark.

As a reminder, the House Rules define an earmark as

a provision or report language included primarily at the request of a Member, Delegate, Resident Commissioner, or Senator providing, authorizing or recommending a specific amount of discretionary budget authority, credit authority, or other spending authority for a contract, loan, loan guarantee, grant, loan authority, or other expenditure with or to an entity, or targeted to a specific State, locality or Congressional district, other than through a statutory or administrative formula-driven or competitive award process.

What is a program or language request?

Program Request: a request to fund a specific Federal program at a specified level—Example: *Provide \$5,000,000,000 for the National Cancer Institute.*

Language Request: a request to include specific bill or report language that does not direct funding to a particular entity but encourages, urges, or directs some type of action by an agency. Example: *Committee encourages the Department of Education to study the impact of the availability of student loans on increases in enrollment rates.*

If the programmatic or report language request is intended to be for a specific non-governmental entity and not competitively awarded, or narrowly defines a

competitive grant to the extent that only one entity or geographic area can apply, this is an earmark request and will not be considered for funding.

If Members continue to have doubt about whether or not a programmatic or language request will be considered an earmark request, language should be included in your request that explicitly states that funding should be awarded on a competitive basis and not to a specific recipient.

I hope this information is useful to you. If you or staff have more specific questions about how the Majority plans to treat any individual request I would encourage you to reach out directly to the appropriate subcommittee staff, or Lesley Turner on the Minority staff.

Sincerely,

NORM DICKS
Ranking Member
Committee on Appropriations

Subcommittee Letters

[Homeland Security](#): Deadline May 6

[Military Construction and Veterans Affairs](#): Deadline May 6

[Commerce, Justice and Science](#): Deadline May 20

[State and Foreign Ops](#): Deadline May 20

[Defense](#): Deadline May 13

[Financial Services and General Government](#): Deadline May 20

[Energy and Water](#): Deadline May 13

[Agriculture](#): Deadline May 13